

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES,

Plaintiff,

v.

No. 23-20191

DEMETRIUS HALEY,

Defendant.

HALEY'S OBJECTION TO UNITED STATES' INTENT TO RELY ON FRE
902(14) AND INTRODUCE SYNCHRONIZED BWC AND SKYCOP VIDEO WITHOUT
AN AUTHENTICATING WITNESS

Comes now the defendant, Demetrius Haley, by and through his counsel of record, and objects to the United States' intent to introduce six (6) synchronized videos without a sponsoring witness to authenticate each. In support thereof, Mr. Haley would show:

Each of these videos is a compilation, putting together a portion of the Skycop video with video and audio from an officer's body worn camera (hereafter "BWC"). Through counsel he sought to understand how the government created each compilation. Unsatisfied with the answer, he filed a response noting that the authentication of each of these six videos may not be perfunctory, explaining that the BWC "picture in a picture" had a different run time than the Skycop camera it was "synchronized" with and that, for five of the six videos the BWC "gained" time on the Skycop

video as they played in the "synchronized" format. (R. 417, Supplemental Response Regarding Quantico Video).

Thereafter, the United States filed a supplemental discovery response which included, *inter alia*, brief information about how FBI Supervisory Electronics Engineer Andrew Galotti used an Adobe Premiere program to complete this manual process. (R. 494, U.S. Eighth Discovery Production). During subsequent discussions about stipulating to authenticity of these videos, the undersigned declined, explaining that the manual process, with its noted imperfections, should be explained in open court for a ruling on authentication and admissibility.

Recordings are admissible if they are authentic, accurate, and trustworthy. Enhanced video and recordings are admissible "if (1) the enhancements were properly authenticated and (2) the analyst documented his steps when altering the source file." United States v. Roberts, 84 F.4th 659, 670 (6th Cir. 2023).

Demetrius Haley objects to the United States' Notices filed as R. 543, 544.

WHEREFORE, PREMISES CONSIDERED, Demetrius Haley prays this court grant his objection and require the United States to use a sponsoring witness to explain the process he used to create the

"synchronized" videos and why the imperfections in run times exist, while claiming that the process is trustworthy.

Respectfully submitted,

S/Michael J. Stengel

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Certificate of Service

I hereby certify that I have served a copy of the foregoing Reply to U.S. Response by electronic means, via the Court's electronic filing system, on AUSA's David Pritchard, Libby Rogers, Kathryn Gilbert, and Forrest Christian this 6th day of September, 2024.

S/Michael J. Stengel